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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BARNES, CRYSTAL J

ART UNIT. PAPER NUMBER

2121

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,930

Applicant(s)

LANDRY ET AL.

Examiner

Crystal J. Barnes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-16, 18-26, 28-34 and 36-38 is/are rejected.
7) ☒ Claim(s) 6, 17, 27 and 35 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

RD

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-38 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7-14, 16, 18-26, 28-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,479,792 B1 to Beiermann et al.

As per claim 1, the Beiermann et al. reference discloses an intelligent appliance control system comprising: a data interface (see column 3 lines 53-60, "embedded controller 20, network gateway interface device 28") adapted to place an associated appliance (see column 3 lines 6-10, 11 and column 5 lines 35 and 43, "welding machine 10, 11") in data communication (see column 3 lines 53-60, "communication") with an associated remote user interface (see columns 5-6 lines

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66-5, "remote user interface device 60"); means ("remote user interface device 60") adapted for acquiring state information (see column 6 lines 24-35, "monitor various operational parameters") from the associated appliance ("welding machine 10, 11"), which state information ("various operational parameters") is representative of at least one of a current ("real-time") and future state of the associated appliance ("welding machine 10, 11"); means (see column 3 lines 53-60, "input/output interface devices 26") adapted for communicating ("communication") the state information ("various operational parameters") to the data interface ("embedded controller 20, network gateway interface device 28"), whereby the state information ("various operational parameters") is made available for communication ("communication") to the associated user interface ("remote user interface device 60"); the data interface ("embedded controller 20, network gateway interface device 28") including means (see column 4 lines 63-66 and columns 5-6 lines 66-2, "network gateway 30") for acquiring state change information (see column 6 lines 16-22, "real time control or operation") received from the associated remote user interface ("remote user interface device 60"), representative of an altered, desired future state (see column 6 lines 48-51, "supplemental or updated firmware or software") of the associated appliance

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("welding machine 10, 11"); means ("remote user interface device 60") adapted for generating a state change signal (see column 6 lines 18-22, "virtual controls on control panel") representative of the desired future state ("supplemental or updated firmware or software") of the associated appliance ("welding machine 10, 11"); and means ("network gateway 30, "input/output interface devices 26") adapted for communicating ("communication") the state change signal ("inputs") to the associated appliance ("welding machine 10, 11").

As per claim 2, the Beiermann et al. reference discloses the data interface ("embedded controller 20, network gateway interface device 28") is adapted to communicate with the associated remote user interface ("remote user interface device 60") via at least one of a selected Internet protocol (see column 5 lines 5-8, "Internet protocol") and a web browser application (see column 6 lines 11-15, "Internet browser").

As per claim 3, the Beiermann et al. reference discloses the data interface ("embedded controller 20, network gateway interface device 28") includes a processor (see column 3 lines 6-10, "microprocessor 22") and a memory ("memory 24"), the processor ("processor 22") selectively operating under a communication control program (see column 4 lines 10-16, "gateway communication program

segment") disposed in the memory ("memory 24") to facilitate data communication ("communication") with the associated remote user interface ("remote user interface device 60"), and wherein the processor ("processor 22") also operates under an appliance control program (see column 3 lines 45-52, "operating software program segment") to facilitate control ("controls operation") of the associated appliance ("welding machine 10, 11") in accordance with at least one of the state information ("machine outputs 14") and the state change information ("machine inputs 12").

As per claim 5, the Beiermann et al. reference discloses the means adapted for generating a state change signal (see column 6 lines 11-15, "virtual software panel") further comprises means adapted for selecting an operation (see column 6 lines 18-22, "virtual controls on control panel") to be performed.

As per claim 7, the Beiermann et al. reference discloses the means adapted for acquiring state information ("various operational parameters") from the associated appliance further comprises a probe.

As per claim 8, the Beiermann et al. reference discloses the future state of the associated appliance ("welding machine 10, 11") is a diagnostic state (see column 6 lines 41-45, "remotely administered operational test").

As per claim 9, the Beiermann et al. reference discloses the state information ("various operational parameters") communicated to the associated remote user interface ("remote user interface device 60") is a status update (see column 6 lines 31-35, "monitoring and interrogation schemes") of the associated appliance ("welding machine 10, 11").

As per claim 10, the Beiermann et al. reference discloses communicating the state change signal ("virtual controls on control panel, machine inputs") to the associated appliance ("welding machine 10, 11") is accomplished using at least one of a wireless communications channel (see column 4 lines 6-9, "wireless communication"), a power-line communications channel, an Ethernet communications channel (see column 4 lines 25-27, "Ethernet"), and a Token-ring communications channel.

As per claim 11, the Beiermann et al. reference discloses at least one of the state information ("various operational parameters, machine outputs") received from the associated appliance ("welding machine 10, 11") and the state change information ("real time control or operation, supplemental or updated firmware or software, remotely administered operational test") received from the associated remote user interface ("remote user interface device 60") is in the form of at

least one of data associated with a verbal command, data associated with an audible command, data associated with an infrared command, and data associated with a tactile input command ("virtual controls on control panel").

As per claim 12, the Beiermann et al. reference discloses a method of controlling an intelligent appliance, the steps comprising: acquiring state information (see column 6 lines 24-35, "monitor various operational parameters") from an associated appliance (see column 3 lines 6-10, 11 and column 5 lines 35 and 43, "welding machine 10, 11"), which state information ("various operational parameters") is representative of at least one of a current ("real-time") and future state of the associated appliance ("welding machine 10, 11"); communicating ("communication") the state information ("various operational parameters") to a data interface (see column 3 lines 53-60, "embedded controller 20, network gateway interface device 28"), which data interface ("embedded controller 20, network gateway interface device 28") is in communication (see column 3 lines 53-60, "communication") with an associated remote user interface (see columns 5-6 lines 66-5, "remote user interface device 60"), whereby the state information ("various operational parameters") is made available for communication ("communication") to the associated user interface ("remote user interface device

60"); acquiring state change information (see column 6 lines 16-22, "real time control or operation") received from the associated remote user interface ("remote user interface device 60"), by the data interface ("embedded controller 20, network gateway interface device 28"), which state change information ("real time control or operation") is representative of altered, desired future state (see column 6 lines 48-51, "supplemental or updated firmware or software") of the associated appliance ("welding machine 10, 11"); generating a state change signal (see column 6 lines 18-22, "virtual controls on control panel") representative of the desired future state ("supplemental or updated firmware or software") of the associated appliance ("welding machine 10, 11"); and communicating ("communication") the state change signal ("inputs") to the associated appliance ("welding machine 10, 11").

As per claim 23, the Beiermann et al. reference discloses a computer-implemented method for controlling an intelligent appliance, the steps comprising: acquiring state information (see column 6 lines 24-35, "monitor various operational parameters") from an associated appliance (see column 3 lines 6-10, 11 and column 5 lines 35 and 43, "welding machine 10, 11"), which state information ("various operational parameters") is representative of at least one of a current ("real-

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time") and future state of the associated appliance ("welding machine 10, 11"); communicating ("communication") the state information ("various operational parameters") to a data interface (see column 3 lines 53-60, "embedded controller 20, network gateway interface device 28"), which data interface ("embedded controller 20, network gateway interface device 28") is in communication (see column 3 lines 53-60, "communication") with an associated remote user interface (see columns 5-6 lines 66-5, "remote user interface device 60"), whereby the state information ("various operational parameters") is made available for communication ("communication") to the associated user interface ("remote user interface device 60"); acquiring state change information (see column 6 lines 16-22, "real time control or operation") received from the associated remote user interface ("remote user interface device 60"), by the data interface ("embedded controller 20, network gateway interface device 28"), which state change information ("real time control or operation") is representative of altered, desired future state (see column 6 lines 48-51, "supplemental or updated firmware or software") of the associated appliance ("welding machine 10, 11"); generating a state change signal (see column 6 lines 18-22, "virtual controls on control panel") representative of the desired future state ("supplemental or updated firmware or software") of the

associated appliance ("welding machine 10, 11"); and communicating ("communication") the state change signal ("inputs") to the associated appliance ("welding machine 10, 11").

As per claim 31, the Beiermann et al. reference discloses a computer-readable medium for controlling an intelligent appliance comprising: a data interface (see column 3 lines 53-60, "embedded controller 20, network gateway interface device 28") adapted to place an associated appliance (see column 3 lines 6-10, 11 and column 5 lines 35 and 43, "welding machine 10, 11") in data communication (see column 3 lines 53-60, "communication") with an associated remote user interface (see columns 5-6 lines 66-5, "remote user interface device 60"); means ("remote user interface device 60") adapted for acquiring state information (see column 6 lines 24-35, "monitor various operational parameters") from the associated appliance ("welding machine 10, 11"), which state information ("various operational parameters") is representative of at least one of a current ("real-time") and future state of the associated appliance ("welding machine 10, 11"); means (see column 3 lines 53-60, "input/output interface devices 26") adapted for communicating ("communication") the state information ("various operational parameters") to the data interface ("embedded controller 20, network gateway

interface device 28"), whereby the state information ("various operational parameters") is made available for communication ("communication") to the associated user interface ("remote user interface device 60"); the data interface ("embedded controller 20, network gateway interface device 28") including means (see column 4 lines 63-66 and columns 5-6 lines 66-2, "network gateway 30") for acquiring state change information (see column 6 lines 16-22, "real time control or operation") received from the associated remote user interface ("remote user interface device 60"), representative of an altered, desired future state (see column 6 lines 48-51, "supplemental or updated firmware or software") of the associated appliance ("welding machine 10, 11"); means ("remote user interface device 60") adapted for generating a state change signal (see column 6 lines 18-22, "virtual controls on control panel") representative of the desired future state ("supplemental or updated firmware or software") of the associated appliance ("welding machine 10, 11"); and means ("network gateway 30, "input/output interface devices 26") adapted for communicating ("communication") the state change signal ("inputs") to the associated appliance ("welding machine 10, 11").

As per claims 13, 24 and 32, the rejection of claim 2 is incorporated and further claims 13, 24 and 32 contain limitations recited in claim 2; therefore claims 13, 24 and 32 are rejected under the same rationale as claim 2.

As per claims 14, 25 and 33, the rejection of claim 3 is incorporated and further claims 14, 25 and 33 contain limitations recited in claim 3; therefore claims 14, 25 and 33 are rejected under the same rationale as claim 3.

As per claims 16, 26 and 34, the rejection of claim 5 is incorporated and further claims 16, 26 and 34 contain limitations recited in claim 5; therefore claims 16, 26 and 34 are rejected under the same rationale as claim 5.

As per claims 18, 28 and 36, the rejection of claim 7 is incorporated and further claims 18, 28 and 36 contain limitations recited in claim 7; therefore claims 18, 28 and 36 are rejected under the same rationale as claim 7.

As per claim 19, the rejection of claim 8 is incorporated and further claim 19 contains limitations recited in claim 8; therefore claim 19 is rejected under the same rationale as claim 8.

As per claim 20, the rejection of claim 9 is incorporated and further claim 20 contains limitations recited in claim 9; therefore claim 20 is rejected under the same rationale as claim 9.

As per claims 21, 29 and 37, the rejection of claim 10 is incorporated and further claims 21, 29 and 37 contain limitations recited in claim 10; therefore claims 21, 29 and 37 are rejected under the same rationale as claim 10.

As per claims 22, 30 and 38, the rejection of claim 11 is incorporated and further claims 22, 30 and 38 contain limitations recited in claim 11; therefore claims 22, 30 and 38 are rejected under the same rationale as claim 11.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,479,792 B1 to Beiermann et al. in view of US Pub. No. 2004/0111490 A1 to Im et al.

As per claim 4, the Beiermann et al. reference does not expressly disclose further comprising means adapted for authenticating the associated remote user interface.

The Im et al. reference discloses

(see page 2 [0020], "The home network system basically includes ... a portal server 200 connected ... through an Internet network I for remotely controlling and monitoring the home network.")

(see page 2[0022], "The portal server 200 drives a web page providing a remote control environment to control the home appliances in a home. The user of the home network system can access the web page using wired and wireless access devices C1 and Cn such as a computer, a mobile communication terminal, a PDA (Personal Digital Assistant), etc. The user gains the right to remotely control the home network system from the portal server 200 by inputting a user ID and a password into the portal server 200. Then, the user can ... identify status of the home appliances H1 to H4, and input a control command into the web page of the portal server 200.")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the network gateway taught by the

Beiermann et al. reference with the security functionality of the portal server taught by the Im et al. reference.

One of ordinary skill in the art would have been motivated to modify the network gateway with the security functionality of the portal server to provide secure communication between the remote user interface and the machine over the network.

As per claim 15, the rejection of claim 4 is incorporated and further claim 15 contains limitations recited in claim 4; therefore claim 15 is rejected under the same rationale as claim 4.

Allowable Subject Matter

6. Claims 6, 17, 27 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

As per claims 6, 17, 27 and 35, the prior art of record taken alone or in combination fails to teach the operation to be performed is one of the group

consisting of retrieving a list of available dishes, creating a new dish, modifying an existing dish, and deleting a stored dish, especially in view of applicant's use of the phrase "selected from the group consisting of".

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to remotely controlling devices in general:

USPN 6,807,463 B1 to Cunningham et al.

USPN 6,587,739 B1 to Abrams et al.

USPN 6,502,411 B2 to Okamoto

USPN 4,812,963 to Albrecht et al.

USPN 4,442,319 to Treidl

US Pub. No. 2005/0159823 A1 to Hayes et al.

US Pub. No. 2005/0096753 A1 to Arling et al.

US Pub. No. 2004/0267382 A1 to Cunningham et al.

US Pub. No. 2004/0051625 A1 to Nass et al.

US Pub. No. 2004/0010561 A1 to Kim et al.

US Pub. No. 2002/0093424 A1 to Parry

US Pub. No. 2002/0073183 A1 to Yoon et al.

EP Pub. No. 1187021 A2 to BEIERMANN et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB

28 July 2005